IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7718 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HARIJAN MANGA @ LAKHMAN TEJA

Versus

COLLECTOR

Appearance:

1. Special Civil Application No. 7718 of 1988

MR SV PARMAR for Petitioner No. 1

M/S PURNANAND & CO for Respondents No. 1-4

MR UR BHATT A.G.P. for Respondents No. 2,4

MR HM BHAGAT for Respondent No. 3

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 07/12/2001

ORAL JUDGEMENT

The matter was called out twice but none is present on behalf of the petitioner. However, in view of

the fact that the subject matter of the petition and the dispute raised stand concluded by the decision of this Court and the Apex Court, this petition is disposed of in the following terms.

The petitioner has stated that he is cultivating the lands which according to the respondents authorities fall within the forest area. The petitioner has sought quashing of Annexure-F whereby, the Assistant Collector, Veraval vide his order dated 2nd November, 1988 has rejected the application made by the petitioner to regularise the occupancy of lands bearing survey No.57/1, in view of the fact that the said land forms part and parcel of reserve forest. In identical circumstances, a group of petitions being Special Civil Application Nos.654 to 659 of 1997 and Special Civil Application Nos.874, 875, 928, 934 to 937 and 1255 of 1997 were disposed of by common oral order dated 9.7.1997 by this Court in case of Vasurbhai Ugabhai Khuman v. A.I. Sheikh & Others. The petitioners in those petitions made an appeal before the Supreme Court and the Supreme Court did not interfere with the order of this Court in I.A. Nos.279-281 & 300 of 1998 rendered on 29th July, 1998. This fact has been noted by this Court in its C.A.V. judgment rendered on 24.2.2000 in group of petitions bearing Special Civil Application No.10622 of 1998 with Special Civil Application Nos.516 to 522 of 1999, in case of Vira Veja Sondarva v. Dy. Conservator of Forest. Therefore, in light of the authoritative pronouncement made by this Court in the aforesaid two decisions by following the decision of the Apex Court in case of T.N. Godavarman Thirumulkpad v. Union of India and others, (1997) 2 S.C.C. 267, it is not possible to grant this petition. Rule is discharged. However, in view of the fact that interim-relief was granted as far back as on 19.11.1988, the petitioner shall not be dispossessed for a period of four weeks from today. It will be open to the petitioner to approach the Range Forest Officer as well as District authorities to seek alternative land site within a period of four weeks. The authorities will not dispossess the petitioner except in accordance with law. There shall be no order as to costs.

(D.A. Mehta, J.)

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